

REMARKS/ARGUMENTS

The applicants' attorneys appreciate the Examiner's thorough search and remarks.

Claim 1 has been rejected under 35 U.S.C. §112, first paragraph, on the grounds that the specification does not teach a pigment that prevents degradation of UV absorbers.

Claim 1 has been amended to call for the pigment to “prevent titanium dioxide induced” breakdown of the UV absorbers. Support for the amendment can be found at page 4, line 32 to page 5, line 3 where it is stated that the coating acts so that “TiO₂ induces no degradation of organic compounds, such as, for example, organic UV absorbers.” Reconsideration is requested.

Claims 1-12 have been rejected as anticipated by Schumacher et al. (Schumacher), U.S. Patent Publication No. 2003/0104198. Reconsideration is requested.

Claim 1 has been amended to call for the following combination:

1. A UV-protective cosmetic preparation comprising one or more UV absorbers, characterized in that said cosmetic preparation contains effect pigments, which effect pigments have a laminar structure and at least one protective coating of silicon dioxide, and wherein the effect pigments contain titanium dioxide, said at least one protective coating of silicon dioxide isolating the titanium dioxide from its environment to prevent titanium dioxide induced breakdown of the UV absorbers.

Claim 8 has been similarly amended. Support for the amendments can be found at page 3, lines 16-28, where it is stated that the laminar structure of the effect pigments allows substantial parallel alignment of the pigments with the skin. Thus, a composition according to the present invention exhibits advantageous properties. For example, the pigments allow for the generation of angle-dependent color impression. Specification, page 3, line 29 to page 4, line 3.

On the other hand, Schumacher et al. describes coated oxide particles, comprising a metal oxide core and a silicon dioxide coating surrounding the core (cf. Schumacher, paragraph [0016]), which are not able to generate angle-dependent color impression since they have an irregular particle shape as depicted in Fig. 2a.

Therefore, the coated metal oxide particles described by Schumacher are not comparable to the effect pigments recited in claims 1 and 8. Thus, Schumacher does not anticipate claim 1.

Claims 1-12 have been rejected as obvious over Vatter et al. (Vatter), U.S. Patent Publication No. 2002/0018790. Reconsideration is requested.

It has been admitted that Vatter does not specifically teach a silicon dioxide coating that isolates titanium dioxide from its environment. Rather, it has been stated that one skilled in the art, based on Schumacher's teaching, "would be motivated to design the titanium dioxide pigments to include at least one silicon dioxide coating, with the reasonable expectation that the said coating will successfully attenuate titanium dioxide's undesirable photocatalytic breakdown of the UV absorbers."

It is respectfully submitted that neither Vatter nor Schumacher provides enough evidence of a reasonable expectation of success. Specifically, Schumacher teaches that coating metal oxide particles with silicon dioxide produces particles unsuitable for a cosmetic formulation. Schumacher, paragraph [0007]. To overcome that problem, Schumacher discloses pigments having a "low structure, defined by the absence of an endpoint during the dibutyl phthalate absorption." Paragraph [0016]. There is no evidence, however, that the approach suggested by Schumacher will yield results with a laminar pigment in a cosmetic composition. Thus, the record does not provide enough evidence that Schumacher's approach would necessarily succeed if applied to laminar pigments.

Furthermore, Vatter describes a skin treatment composition including a crosslinked siloxane elastomer gel of specific yield point, a skin-conditioning agent, a volatile siloxane, water, and pigments (cf. Vatter, claim 1).

According to the teaching of Vatter, useful pigments include those which are extended onto inert minerals (e.g. talk, calcium carbonate, clay) or treated with silicone or other coatings in order to prevent pigment particles from re-agglomerating or to change the polarity (hydrophobicity) of the pigment (cf. Vatter, paragraph [0087]).

In addition, the skin treatment composition described by Vatter may further comprise organic sunscreens having UV absorbing properties (cf. Vatter, paragraph [0178]) or physical sunblock properties, e.g. titanium dioxide and zinc oxide, which may be uncoated or coated with a variety of materials (cf. Vatter, paragraph [0188]).

The skilled person does not get any incentive from the teaching of Vatter to use SiO₂ for the coating of an effect pigment containing a TiO₂ layer in order to prevent the photocatalytic activity of said TiO₂ layer in that Vatter does not teach such a solution, as admitted. Instead, at best, Vatter teaches the skilled person to use the stabilizing agents described in Vatter, paragraph [0184], in order to prevent the photo-degradation of the UV absorber.

Thus, neither Schumacher nor Vatter provides any evidence to establish a motivation to use laminar pigments that include titanium dioxide coated with silicon dioxide in a cosmetic formulation to prevent the breakdown of UV absorbers. It is respectfully submitted, therefore, that claims 1 and 8 should not be deemed obvious over the cited references. Reconsideration is requested.

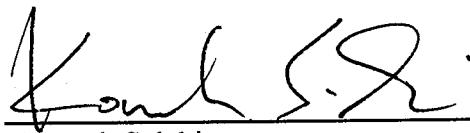
Each of the claims not specifically discussed above is a dependent claim that depends from one of claims 1 and 8 either directly or indirectly. Each such dependent claim includes limitations in addition to those of its base claim which in combination with those of its base claim are not shown or suggested by the cited references. Reconsideration is requested.

The application is believed to be in condition for allowance. Such action is earnestly solicited.

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